

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

LAP-SUN CHAN,

Plaintiff,

v.

UNITED HEALTHCARE OXFORD, et al.,

Defendants.

No. 22-CV-2480 (RA)(SN)

ORDER

RONNIE ABRAMS, United States District Judge:

Plaintiff Lap-Sun Chan brought this action against United Healthcare Oxford and certain of its customer service employees, alleging “unprofessional and disgusting behavior.” Am. Compl. at 2. He asserts violations of “Section 488 Social Services (SOS) Chapter 55, Article 11, which cites psychological abuse against patients,” and 22 U.S.C. § 2702, which governs medical malpractice actions. *Id.* at 1. Before the Court is the May 31, 2022 Report and Recommendation of Judge Moses (the “Report”), which recommends dismissing the action for lack of subject matter jurisdiction under Federal Rule of Civil Procedure 12(b)(1). *See* Dkt. 11. None of the parties filed objections to the Report.

A district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). Parties may object to a magistrate judge’s recommended findings “[w]ithin 14 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2); *see also* Report at 5 (advising parties of deadline to file written objections pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b)). “When the parties make no objections to the Report, the Court may adopt the Report if ‘there is no clear error on the face of the record.’” *Smith v. Corizon Health Servs.*, No. 14-CV-8839 (GBD) (SN), 2015 WL 6123563, at \*1 (S.D.N.Y. Oct. 16, 2015) (quoting *Adee Motor Cars, LLC v. Amato*, 388 F. Supp. 2d 250, 253 (S.D.N.Y. 2005)). “Furthermore, if as here . . . the magistrate judge’s report states that

failure to object will preclude appellate review and no objection is made within the allotted time, then the failure to object generally operates as a waiver of the right to appellate review.” *Hamilton v. Mount Sinai Hosp.*, 331 F. App’x 874, 875 (2d Cir. 2009) (citations omitted).

As no objections to Judge Moses’ Report were filed, the Court reviews the Report for clear error. After careful consideration of the record, the Court finds no error and thus adopts the thorough and well-reasoned Report in its entirety. Accordingly, Plaintiff’s complaint is dismissed for lack of federal subject matter jurisdiction. The Clerk of Court is respectfully directed to terminate this case and to mail a copy of this order to Plaintiff.

SO ORDERED.

Dated: July 20, 2022  
New York, New York

A handwritten signature in blue ink, appearing to read 'Ronnie Abrams', is written over a horizontal line.

Ronnie Abrams  
United States District Judge